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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gretzke, et al.

Examiner: LEE, Susannah E.

Application No.:

10/789,865

Art Unit: 1626

Filed:

February 27, 2004

TELEFAX CERTIFICATE

Title: **Cycloalkyl derivatives having biolistic carboxylic acid groups, processes for their preparation and their use as pharmaceuticals**

I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents, Alexandria, VA 22313, on

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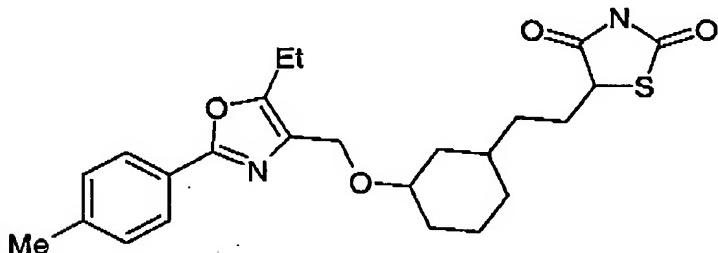
RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

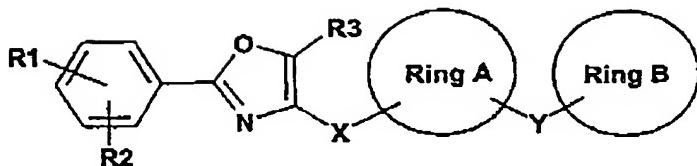
This paper is filed in response to the Office Action of February 28, 2005.

In response to the Restriction Requirement imposed by the Examiner in the above-referenced Office Action, Applicant proposes to elect Group I drawn to compounds of Formula (I) of claim 1.

Per Examiner's request to elect a single disclosed species, Applicant hereby elects the species disclosed in example XLIII which is:



The Examiner also requested an exact definition of each substitution on the base molecule (Formula I) wherein a single member of each substituent group or moiety is selected. For the species elected above, the following definitions apply with respect to the base molecule (Formula I):



Ring A is ( $C_3-C_8$ )-cycloalkanediyl;

Ring B is pyrrolidin-2-one wherein the pyrrolidinyl ring of said pyrrolidin-2-one group contains an additional nitrogen atom or a sulfur atom and is substituted by oxo or thioxo, and is optionally substituted on a nitrogen atom therein by R4;

R1, R2 are each independently H or ( $C_1-C_6$ )-alkyl;

R3 is ( $C_1-C_6$ )-alkyl;

X is ( $C_1-C_6$ )-alkanediyl, wherein one or more carbon atoms therein is optionally replaced by an oxygen atom; and

Y is ( $C_1-C_6$ )-alkanediyl.

The Examiner also requested that Applicant elect a single method of use. Applicant elects the method of treating diabetes mellitus.

Applicants submit that once the compounds of the present invention are found to be novel, then the other Groups defined by the Examiner that contain any compositions of matter containing those compounds should also be found to be novel and rejoined. Likewise, pursuant to linking claim practice, at least one of the method claims should be rejoined.

Furthermore, Applicants affirm their right to file one or more divisional applications with respect to any of the non-elected subject matter.

Respectfully submitted,

  
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